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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DECISION NOT TO REQUIRE NOTIFICATION FROM GENERATORS WHO  
SPECIFICATION USED OIL

MAR 26 1987

Mr. Joseph P. Chu  
Assistant Director  
Plant Environment  
Environmental Activities Staff  
General Motors Corporation  
General Motors Technical Center  
30400 Mound Road  
Warren, Michigan 48090-9015

Dear Mr. Chu:

Thank you for your response to our January 20, 1987, letter with regard to the notification requirement for specification used oil burners (40 CFR Part 266, Subpart E). Your most recent letter of February 12, 1987, has prompted us to reconsider our position and the regulatory notification requirement.

You had previously written us on December 19, 1986, in reference to the above subject. Our response at that time emphasized the November 29, 1985, Federal Register preamble (50 FR 49195). The preamble stated that burners who first claimed that used oil fuel meets the specification which allows it to be exempt from regulation must provide EPA a one-time notification of their use of such oil. However, burners who receive used oil from a marketer who claims the oil meets the specification (and who has notified EPA as marketers), are not subject to the notification requirement.

In your particular situation, your facilities generate and burn on-site their own used oil that they claim meets the specification. Since no marketer is involved, and your facilities burn used oil directly, the preamble identified a requirement

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for you to provide notification. In our previous letter to you, we advised that you should provide notification, and that a technical corrections notice to this regulation was being

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prepared to clarify this and other issues raised since the November 29, 1985, Federal Register publication.

You correctly noted, in your most recent letter, that our January 26, 1987, Federal Register notice (52 FR 2695, 2698) provided comments referencing the 11/29/85 Federal Register, which exempted burners of specification used oil from the notification requirements. This exemption was provided in the context that the marketer who distributed the used oil (to the burner) had already first claimed (via the required notification for marketers) that their used oil met the burning specification.

We recognize that you have raised a valid concern with respect to on-site specification used oil generators who are also burners. This circumstance was not specifically addressed in the original regulations. Upon further evaluation, we now want to clarify that the notification requirement is not appropriate for generators who burn their own specification used oil on-site. The only intent of the (burner) notification requirement is to allow blenders who receive off-specification used oil from marketers to provide notice that they only burn on-specification used oil.

The previously mentioned technical correction notice, to be published soon in the Federal Register (hopefully, mid-April), will clarify this matter. We thank you for bringing this circumstance to our attention. The Agency supports the use of specification used oil for burning as if it were virgin oil. Thus, we will not require notification from generators who burn specification used oil on-site.

Sincerely,

Marcia E. Williams  
Director

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Office of Solid Waste

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